

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:03CR155
)	
Plaintiff,)	
)	
v.)	ORDER
)	
JERRY L. NUTILE,)	
)	
Defendant.)	

This matter is before the court on defendant's Motion to Compel Compliance with Sentencing Order, [Filing No. 66](#). The defendant has already raised this issue at a previous hearing pursuant to his Motion for Clarification of Sentence, [Filing No. 40](#).

This court previously determined that the defendant was given credit for time served when he received a credit of 531 days on his consecutive state court sentence. The court further determined that there was no ambiguity, and the defendant is not entitled to credit for the same time served that he was already given credit for with his state court sentence. Accordingly, this court will not modify its previous Judgment and Commitment Order dated October 9, 2003, [Filing No. 36](#), or its Order on the Motion for Clarification of Sentence, [Filing No. 45](#).

IT IS, THEREFORE, ORDERED that the defendant's Motion to Compel Compliance with Sentencing Order, Filing No. 66, is denied.

DATED this 16th day of May, 2008.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge